

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: February 18, 2004

In re UNIVAR USA INC.

Serial No. 76159040

Filed: 11/03/2000

KISONG KIM LANG-CADITZ
CHRISTENSEN OCONNOR JOHNSON
1420 5TH AVE STE 2800
SEATTLE, WA 98101-2347

Clara Vela, Paralegal Specialist

On January 29, 2004, applicant filed a request that the Board reinstate its appeal, which had been dismissed on December 11, 2003 because of applicant's failure to file its appeal brief. Applicant states that it has received no correspondence from the Patent and Trademark Office since the August 25, 2003 Office action by which the Examining Attorney denied applicant's request for reconsideration. Thus, it appears that applicant never received the August 26, 2003 order in which proceedings in the appeal were resumed, and which reset the time for applicant to file its appeal brief. Nor did applicant receive the Board's December 11, 2003 order dismissing the appeal.¹ Applicant

¹ Copies of these papers are enclosed. It is not understood why applicant failed to receive these communications. They were sent to

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states that it only learned of the dismissal through its review of the Office's computerized records.

Because applicant's failure to file its appeal brief was due to the fact that it never received notification of the Board's resumption of proceedings, applicant's request for reinstatement is granted. Applicant is allowed 60 days from the mailing of the instant action in which to file its appeal brief.

cc: Cindy L. Caditz
Christensen O'Connor Johnson Kindness PLLC
1420 Fifth Avenue
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the same address listed in the Office records, and the same address to which the August 25, 2003 Office action which applicant did receive was sent. Although the firm address has remained the same throughout the correspondence, we note that the name of the attorney listed in the Office records, Kisong Kim Lang-Caditz, is somewhat different from the name Cindy L. Caditz on the request for reinstatement. Although the Board does not normally engage in double mailings, it will do so in this instance. If Office records need to be changed for Office communications to reach the person at Christensen O'Connor handling this application, a change of address should be filed.